



APPROVED **P&Z MEETING MINUTES**

Tuesday, February 28, 2017 - 6:00 PM
Roswell Planning & Zoning Commission
Bassett Auditorium, Roswell Museum and Art Center
100 West 11th Street

Chair: Ralph Brown, Vice Chair: Riley Armstrong
Members: Shirley Childress, Toby Gross, David Storey,
Kent Taylor, Jessie McDaniel

Planning Staff: Merideth Hildreth, AICP
Miguel Martinez
William Morris, AICP, CZO
Louis Najar, PE

Notice of this meeting was given to the public in compliance with Sections 10-15-1 through 10-15-4, NMSA 1978 and City of Roswell, NM Resolution 16-69.

A. CALL TO ORDER AND WELCOME – Chair Ralph Brown

A regular meeting of the Planning & Zoning Commission was called to order at approximately 6:00 p.m. by Chair Brown with the following members present:

B. ROLL-CALL

Ralph Brown (Chair)	PRESENT
Riley Armstrong (Vice Chair)	PRESENT
Toby Gross	PRESENT
Shirley Childress	PRESENT
David Storey	PRESENT
Kent Taylor	PRESENT
Jesse McDaniel	PRESENT

Staff Members Present: Merideth Hildreth, AICP, Current Planning Administrator; Miguel Martinez, Planning & Zoning Technician; William Morris, AICP, CZO, Planning Manager; Louis Najar, P.E., Director of Planning & Engineering & Interim City Manager

Audience Members Present who Signed In:

Larry Fresquez, J.H. Rhea, Rick Rapp, Larry Connolly

C. APPROVAL OF THE AGENDA

**MOTION to Approve the Agenda as Written by Commissioner Gross.
Second by Commissioner Childress.
The motion passed by a voice vote of seven to zero.**

D. SWEARING IN: Chair Brown swore in staff and members of the audience.

E. MINUTES: Consider approval of the January 24, 2017 minutes.

**MOTION to Approve the January 24, 2017 Minutes as Written by
Commissioner Armstrong.
Second by Commissioner Childress.
The motion passed by a voice vote of seven to zero.**

F. ACTION ITEMS (PUBLIC HEARING ITEMS):

1. CASE 17-004 (ZOC): A Request for Zone Change from R-1 & R-2 to C-2

LEGAL DESCRIPTION: Subd: POCONO PLACE UNIT ONE Tract: A, LESS THAT PT DEEDED TO THE CITY OF ROSWELL FOR RIGHT-OF-WAY PER WD BK 675 PG 907 (1.813 AC) S: 25 T: 10S R: 23E BK: 331 PG: 721 SWD (the northernmost portion of the tract 15.25 acres abutting the City Boundary Line on the north and west and Sycamore Avenue on the east.) Attached: (A) Application; (B) Staff Summary; (C) Letter Notifying Surrounding Property Owners; (D) Chaves County Assessor's Map Identifying Properties with the Notification Area; (E) List of Property Owners Notified

Commissioner Armstrong recused himself from Case 17-004.

**Motion to Waive the Reading of the Land Use and Zoning Considerations and Finding of Facts with Respect to Case 17-004 by Commissioner Storey.
Second by Commissioner Childress
The motion passed by a voice vote of six to zero.**

Chair Brown: Is there anyone wishing to speak in favor of 17-004?

Larry Fresquez - Residing at 606 North Kentucky Avenue: Requested rezoning of approximately fifteen (15) acres adjacent to Gateway Church and School on North Sycamore. The fifteen (15) acres is currently owned by Featherstone Farms. Mr. Fresquez requested rezoning to C-2 to develop a self-storage facility as an accommodating business to the adjacent properties and the west side of Roswell. A multi-family complex with over 200 apartments is being developed on North Sycamore. This low traffic business would provide a buffer between the church and development to the south.

Chair Brown: Is there anyone wishing to speak against 17-004?

Rick Rapp – Residing at 2601 North Washington Avenue: Pastor and Superintendent of Gateway Christian School. Expressed concerns of rezoning the property to commercial. He did not have an issue with the storage units. His concern with the rezoning to commercial is that commercial zoning allows convenience and liquor stores.

J.H. Rhea - Residing at 181 Mark Road: Speaking also on behalf of Gateway Church and School. Concerned if the property changed hands, other uses could be developed, some of which might not be advantageous to the church or school. Church has been in the area for nearly forty years. Our neighbor to the north is Christ Church that has been there nearly the same length of time. Residential zones on the north and south have made for a quiet neighborhood. Commercial zoning with undetermined use in the future has the potential to destroy the harmony of the neighborhood and integrity of church and school locations. Mr. Rhea respectfully requested denial of the request since the property owner also owns land south toward the apartments.

Mr. Morris – Sycamore is an arterial road, a major road, and is intended to carry lots of traffic, especially in the future as it develops. The area is undergoing changes. This property is approximately half-way between the developing commercial node at College (Boulevard), where the fire station is, and Country Club (Road) which has ten acres zoned Commercial at the corner with Sycamore. This request is only for rezoning. There is another complete state and city process to request a liquor license. With respect to the intensity of commercial, most storage facilities are calm and would be a good transitional use. It is true we can't guarantee what will happen after zoning.

This area is designated Mixed Use on the future land use map. We are doing (master) planning on the other side of Sycamore in the area of the Old Municipal Airport. In the foreseeable future, (uses) will start to change. Overall, staff thinks (this rezoning) is compatible with the area, compatible with the future land use map the City adopted as part of the Comprehensive Plan. We think that site planning will take care of issues such as lighting, noise, and other issue. Staff stands by the recommendation for approval.

Chair Brown: Asked about the zoning for the church.

Mr. Morris: The church is in the county, and is zoned equivalent to Rural Suburban. (Currently) there is no Right-of-Way to extend Nineteenth Street west of Sycamore. One of the conditions Staff will be looking for from the developer of this site is dedication of a sixty foot Right-of-Way to extend Nineteenth Street.

Chair Brown: Asked if there a state law that there has to be so many feet from a church or a school for a liquor license.

Mr. Najar: Answered, the state law is three-hundred (300) feet. Any time we review a liquor license in town, we have to provide to (City) Council and the State Liquor Board a map of nearest schools and churches within three-hundred (300) feet property to property of the applicant for the liquor license.

Mr. Rhea: We are aware of the three-hundred feet, and that would be closer to our school and church than we would desire.

Mr. Frequez: Stated he wouldn't buy this property if unable to build self-storage units. Developing storage units (with his plan) would leave about eighty feet that could possibly be developed on the south end of this lot's fifteen acres. The rest of the eighty to one-hundred acre tract owned by Featherstone Farms is not up for rezoning at this time. Mr. Frequez stated he has no desire to build a liquor establishment. The Master Plan, paid for by the City of Roswell, shows this area here in pink (on the map) as a multi-use area. (The storage unit development) would serve as a buffer between churches with large parking lots and large lighting areas and a residential neighborhood.

Commissioner Taylor: Had a question for Staff and recommended a compromise to rezone the property C-1 (Neighborhood Commercial).

Ms. Hildreth: To clarify, storage units are allowed in C-1 with a Special Use Permit and in C-2 as a Use by Right. C-1 allows automobile service stations with a Special Use Permit. Drug stores and food stores are allowed as a Use by Right in C-1.

Mr. Morris: C-1 is for limited neighborhood type uses. Alcohol sales is a separate process. Alcohol sales can happen in C-1, C-2, C-3, and C-4. With respect to future planning efforts and road classification, this area is intended to be more active.

Commissioner Storey: Posed a question about the (60) foot right-of-way.

Mr. Najar: To answer Commissioner Storey's question about the sixty (60) foot right-of-way, it would be an extension of Nineteenth Street, and that section of roadway would not be developed until development requires access from that section of Nineteenth Street. Mr. Najar stated that he respects the Churches that built in what was at that time the outskirts. Looking at the big picture, the City is expecting growth, wanting growth, and planning for growth in this area. The City has already extended the water and sewer lines from College to their property. Right before their property, the City already extended stub outs to the west for future development of water and sewer. As a Minor Arterial from Second Street to

Country Club Road, Single Family curb cuts can no longer be built along Sycamore which means development must be Commercial or R-3 or R-4 high density residential. Hopefully, Country Club will become a four-lane road from Sycamore to Main Street, and all that will be mixed use.

Commissioner Storey: Mentioned that commercial development (on the fifteen acre tract) would have to build a six-foot tall screen fence on the north side of the property, between the commercial development and the church, on the south side of the right-of-way (Nineteenth Street Extension).

Mr. Najar: Mr. Najar verified that the fence would have to be built on the commercial development's property.

Chair Brown: Appeals to what we vote on tonight are due in writing to the City Clerk by noon on Thursday.

MOTION – 17-004 ZOC

Commissioner Gross made a motion to approve **Case 17-004** based on the testimony given here this evening and the finding of facts.

Second by Commissioner Childress.

The motion passed by a voice vote of six to zero.

(Commissioner Armstrong did not vote on this motion having previously recused himself.)

G. OTHER BUSINESS:

1. Text Amendment: Multi Generational Housing

Mr. Morris: There are two discussion items on issues we talked about before that we are lining up for text amendments. The first one is multi-generational housing for independent living for a relative(s). The difference is the stove in the kitchen makes it a residential unit. We are looking at units four-hundred (400) square feet in size that are built to standards of the International (Building) Code and the Zoning Code. State Statutes require provision for these types of units. We are talking about a small house on the same lot (with a primary residence) to allow for independent living for members of the same family. The question is what happens to the fully functional unit in the back yard when the relative is no longer residing on the property. The County handles it by initial approval through the Commission, then the applicant must visit the County every three (3) years for Staff administrative review, determination if the use is still needed, and approval by Staff if the use is still needed. In our text, we put in review every five (5) years demonstrating compliance. We need a review process to prevent these units from becoming multi-family lots when a property is sold.

2. Text Amendment: Lighting Standards

Mr. Morris: LED parking lot lighting is incredibly bright. We've had situations where parking lot lighting that was angled for more coverage by standard lighting have been replaced with LED fixtures. LED lighting is measured in Kelvins. AMA medical studies are being done on the luminosity of LEDs. The blue range is very intense, is analogous to daylight, and can reset sleep patterns and impact wildlife. The heads of these lamps need to be angled at a 90 degree angle and the lamps must not exceed 4,000 K which keeps lighting in the white range. We need to regulate reasonable height of poles and prevent (light spill) onto residential properties.

Commissioner Taylor: Mentioned that anything other than ninety degrees is in violation of the Night Skies Act.

Commissioner Gross: Mentioned he has recent knowledge of LED and parking lot lighting and would like to participate in share what he has learned.

3. Updates:

1904 W Second Street

Mr. Morris: This is a property that Game and Fish is leasing. The question posed to the City Attorney was if Game and Fish, a state agency, is required to have a City Business License. His answer at this time was "No." The property owner would have to register his office, wherever that office is.

H. PUBLIC COMMENTS

I. ADJOURN

The meeting adjourned at 6:48 p.m.